

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
MARCH 1, 2005**

Mayor Simonian called the meeting to order in the Council Chambers at 5:33 p.m. Roll call was taken.

Council members present: Simonian, Cardenas, Aguayo, Nagata. Mayor Pro-Tem Shaw arrived at 5:43 p.m.

City staff present: City Manager Elias, City Clerk Davis, Finance Director Wong, Police Chief Jamgochian, Senior/Recreation Director Monis, City Attorney Wolfe

CONSIDER AND TAKE ACTION REGARDING PAST DUE WATER BILL COMPLAINTS

As discussed at previous meetings, Mayor Simonian asked for the Council's input regarding some very large water bills that customers have disputed. The incident arose during the summer of 2004 when several water meters were under-read and were later brought up to an accurate reading, creating a large balance due. It was suggested that City Manager Elias be directed to negotiate these disputed bills. It was asked if a procedure was needed. City Attorney Wolfe said that the bills in question resulted from unusual circumstances and there is no policy to negotiate ongoing water bill disputes. City Manager Elias explained that the usual procedure is to investigate a disputed bill, and if it is found that the City made a mistake, an adjustment can be made. However, if the water usage is accurate, no adjustment is made.

City Manager Elias said that he planned to negotiate a reasonable minimum payment that the City would accept on the disputed bills. Different recommendations were discussed, from accepting at least fifty percent of what is owed, to calculating an average use over the year as the amount owed. Each disputed bill would be negotiated on an individual basis. City Attorney Wolfe suggested that the individuals receiving an adjustment sign some type of release. City Manager Elias also reported that training had been scheduled for implementing the handheld meter reading devices, which would speed up the billing process.

The consensus of the Council was to authorize the City Manager to negotiate with the individuals who were disputing their bills due to the incident discussed. City Attorney Wolfe clarified that an ongoing negotiation policy was not being established.

DISCUSSION ON THE MEMORANDUM OF UNDERSTANDING (MOU) WITH KINGS RIVER CONSERVATION DISTRICT (KRCD) FOR INVESTIGATION INTO COMMUNITY CHOICE AGGREGATION (CCA).

City Manager Elias stated that the proposed MOU with KRCD, as discussed at the previous meeting, would create an opportunity for an additional revenue source for the community. He

said that there was a contribution required of about \$20,000 from each of the 14 cities and 3 counties being asked to participate. The funds would be due in two increments noted as Track I and Track II. There are also opportunities to “off ramp” should an entity decide to withdraw from the MOU. He stated that CCA has the potential to create a 10 percent savings in energy costs to the community. The Council has the ability to decide how the savings can be passed down to the businesses and residents, and can choose to retain a portion for the City.

City Manager Elias recommended that the Council wait to take action on the matter at the April Council meeting to be sure that the other cities have agreed to participate. He explained that presently only three cities have approved the MOU, and expressed that if fewer cities join than anticipated, it could cost more for the remaining cities. Another option would be to wait and sign on after the first two tracks have been developed. He noted that the matter was also on the regular meeting agenda and that a representative from KRCD would be attending to answer further questions. The consensus was not to take any action until there is confirmation that the other cities have approved the MOU.

ADJOURNMENT

Having no further business, Councilmember Cardenas made a motion, seconded by Councilmember Aguayo to adjourn. The motion carried unanimously and the meeting adjourned at 6:24 p. m.